

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONEY A. WHITE, III,
Plaintiff,

v.

NORTHERN NEVADA CORRECTIONAL
CENTER, et al.,
Defendants.

Case No.: 2:23-cv-01400-JAD-NJK

ORDER

(Docket No. 1)

On September 8, 2023, *pro se* plaintiff Toney A. White, III, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. Docket Nos. 1, 1-1. Plaintiff's application to proceed *in forma pauperis* is incomplete because he failed to include a financial certificate and an inmate trust fund account statement for the previous six-month period. Further, the daily transaction summaries that Plaintiff submitted do not constitute an inmate trust fund account statement.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); LSR 1-2. *In forma pauperis* status

1 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate
2 can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

3 Accordingly, for the reasons stated above,

4 IT IS ORDERED that the application to proceed *in forma pauperis*, Docket No. 1, is
5 **DENIED** without prejudice.

6 IT IS FURTHER ORDERED that, no later than **November 13, 2023**, Plaintiff must either
7 pay the full \$402 filing fee or file a new fully complete application to proceed *in forma pauperis*
8 with all three required documents: a completed application with the inmate's two signatures on
9 page 3; a completed financial certificate that is signed both by the inmate and the prison or jail
10 official; and a copy of the inmate's trust fund account statement for the previous six-month period.

11 IT IS FURTHER ORDERED that, if Plaintiff fails to timely comply with this order, this
12 action will be subject to dismissal without prejudice. A dismissal without prejudice allows
13 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15 The Clerk of the Court is **INSTRUCTED** to send Plaintiff Toney A. White, III, the
16 approved form application to proceed *in forma pauperis* for an inmate and instructions for the
17 same and retain the complaint, Docket No. 1-1, but not file it at this time.

18 IT IS SO ORDERED.

19 DATED: September 13, 2023.

20
21 
22 _____
23 NANCY J. KOPPE
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28